

Public Law 100-393
100th Congress

An Act

Making dire emergency supplemental appropriations for the fiscal year ending September 30, 1988, and for other purposes.

Aug. 14, 1988
[H.R. 5026]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide dire emergency supplemental appropriations for the fiscal year ending September 30, 1988, and for other purposes, namely:

Dire Emergency
Supplemental
Appropriations
Act, 1988.

TITLE I—DIRE EMERGENCY PROGRAM SUPPLEMENTALS

To meet dire emergencies created by needs for State Unemployment Insurance and Employment Service Operations, the Black Lung Disability Trust Fund, Trade Adjustment Assistance and Small Business Disaster Assistance and for personnel, operations, and capital required to meet dire emergencies caused by the drought, disaster, and financial conditions:

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE
OPERATIONS

For an additional amount for "State unemployment insurance and employment service operations", \$15,000,000 which shall be expended from the Employment Security Administration account in the Unemployment Trust Fund, to fund activities under section 6 of the Act of June 6, 1933, as amended (29 U.S.C. 49-491-1; 39 U.S.C. 3202 (a)(1)(E)), including the cost of penalty mail made available to States in lieu of allotments for such purpose: *Provided*, That such amount shall be available for obligation for the period July 1, 1988, through June 30, 1989.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

(TRANSFER OF FUNDS)

In order to provide for the Black Lung Disability Trust Fund and for Trade Adjustment Assistance, such amounts for necessary advances for the fiscal year ending September 30, 1988, that exceed those provided in appropriations, may be derived from balances in the revolving fund established by 42 U.S.C. 1101(e).

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(BY TRANSFER)

For an additional amount for "Salaries and expenses", \$10,300,000, to be derived by transfer from the "Business Loan and Investment Fund".

BUSINESS LOAN AND INVESTMENT FUND

Outlays in fiscal year 1988 resulting from the use of funds appropriated under this heading may not exceed \$204,105,000, not including transactions originated by the Federal Financing Bank.

To meet the dire emergency which requires increased drug interdiction activities and the enhancement of protection of life and property:

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

(TRANSFERS OF FUNDS)

For an additional amount for "Operating expenses", not to exceed \$60,000,000 of which \$69,467 shall be derived from unobligated balances of "Territorial highways"; \$2,460,000 shall be derived from unobligated balances of "Motor carrier safety grants"; \$129,000 shall be derived from unobligated balances of "Conrail labor protection"; \$654,014 shall be derived from unobligated balances of "Facilities, engineering, and development"; not to exceed \$22,000,000 shall be derived from funds recovered under sections 5, 9, and 18 of the Urban Mass Transportation Act of 1964, as amended, that would otherwise be reapportioned on or after October 1, 1988; \$2,000,000 shall be derived from unobligated balances of "Research, training, and human resources" other than funding for the cold weather transit technology program and the phosphoric acid fuel cell bus technology program; not to exceed \$6,000,000 shall be derived from unobligated balances of "Acquisition, construction, and improvements"; \$5,000,000 shall be derived from unobligated balances of "Research, development, test, and evaluation"; \$6,687,519 shall be derived from unobligated balances of "Pollution fund"; \$1,600,000 shall be derived from unobligated balances of "Offshore oil pollution compensation fund"; and \$1,400,000 shall be derived from unobligated balances of "Deepwater port liability fund".

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

The sum of \$12,000,000 of unobligated contract authority available for airport development and planning pursuant to section 505(a) of

the Airport and Airway Improvement Act of 1982, as amended, is hereby rescinded.

To meet the dire emergency created by the Mariel Cuban prisoner riots in Federal prisons and a deficiency in the United States Marshals Service:

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and Expenses, United States Marshals Service", \$3,500,000 to remain available until expended to be derived by transfer from "Immigration and Naturalization Service, Salaries and expenses".

SUPPORT OF UNITED STATES PRISONERS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Support of Prisoners", \$23,300,000, to remain available until expended of which \$8,300,000 shall be derived by transfer from the Immigration and Naturalization Service salaries and expenses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For an additional amount for "Salaries and expenses, Community Relations Service", \$6,000,000, to remain available until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$42,609,000, to remain available until expended.

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

EMERGENCY DROUGHT AUTHORITY

To meet the problems of the Mississippi River Basin, where the water is the lowest in history, with the River flowing north at New Orleans, with water systems endangered, and similar conditions elsewhere, the Secretary of the Army, acting through the Chief of Engineers, within existing law and within available funds, is directed to—

(a) conduct emergency drought relief activities for domestic, municipal, industrial, aquacultural and agricultural purposes in and adjacent to the Mississippi River and its tributaries. Such activities may include, but shall not be limited to, dredging of shoals impeding navigation; construction and operation of salt

water intrusion barriers and associated facilities; transportation (by barge or other means) of potable water; and construction of water wells and necessary treatment and distribution facilities;

(b) as provided by existing law, in cooperation with local authorities, utilize water in any reservoir operated by the Secretary for emergency water supply purposes: *Provided*, That no additional authority to change the existing situation in regard to the Great Lakes or reservoirs at the headwaters of the Mississippi is provided by this language.

(c) provide technical assistance to State and local governments and public water agencies engaged in water conservation and drought management activities; and

(d) prepare regional drought management plans.

DEPARTMENT OF AGRICULTURE

ADMINISTRATIVE PROVISION

Because of the effects of the drought, financial, and other problems, the Department of Agriculture is urged to use all authority in existing law in addition to such additional authority as may be provided by the Congress, to enable those engaged in agriculture to stay in business and to prevent foreclosure and make their normal and essential contribution to the general economy.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

Not to exceed an additional \$45,427,000 may be transferred to and merged with this appropriation from the Commodity Credit Corporation fund to meet the increased workload in the county offices as a result of the 1988 drought, and the portion thereof made available to county committees shall remain available until expended.

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for emergency measures as provided by sections 403-405 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203-2205), \$10,000,000, to remain available until expended, to be derived by transfer from the unobligated balances in emergency insured loans, Agricultural Credit Insurance Fund.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

AIDS.

For an additional amount for necessary expenses of the Food and Drug Administration for product emergencies and AIDS, \$5,500,000, to remain available until expended.

FUNDS APPROPRIATED TO THE PRESIDENT

DEPARTMENT OF STATE

UNITED STATES EMERGENCY MIGRATION AND REFUGEE ASSISTANCE
FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended, \$24,000,000 to remain available until expended: *Provided*, That not less than \$6,000,000 shall be made available for Soviet and other Eastern European Refugees.

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

The amount made available in the appropriation under this heading in the Department of Commerce Appropriation Act, 1988, shall remain available until expended.

DEPARTMENT OF DEFENSE—MILITARY

ADMINISTRATIVE PROVISION

Of the funds available to the Department of Defense during the current fiscal year, not more than \$14,000,000 may be transferred to "Federal Bureau of Investigation, Salaries and Expenses" to fund increased workload requirements due to INF treaty implementation: *Provided*, That such funds may be expended pursuant to authorities available to the Federal Bureau of Investigation: *Provided further*, That of this amount, \$8,000,000 shall remain available until expended.

DEPARTMENT OF STATE

ADMINISTRATIVE PROVISION

Notwithstanding any other provision of law, funds appropriated to the Department of State in fiscal year 1988 may be used without reimbursement to carry out the provisions of section 6 of the Arms Control and Disarmament Amendments Act of 1987 (Public Law 100-213).

DEPARTMENT OF ENERGY

ADMINISTRATIVE PROVISION

The 30-day notice period for the review of the sale of the Great Plains gasification plant by Congress shall not commence earlier than August 25, 1988.

OTHER INDEPENDENT AGENCIES

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

101 Stat.
1329-28.

In appropriation language under this heading in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1988, delete the word "for"; add the following phrase at the beginning of the paragraph: "Notwithstanding section 501(b) of title V of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, for"; and delete the phrase "of which \$20,000,000, to remain available until expended, shall become available for expenditure on October 1, 1988, and"; *Provided*, That for purposes of section 202 of Public Law 100-119 (H.J. Res. 324, 100th Congress), this action is a necessary (but secondary) result of a significant policy change.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND PROGRAM MANAGEMENT

(TRANSFER OF FUNDS)

For an additional amount for "Research and program management", up to \$19,600,000, which shall be derived by transfer from "Research and development" and "Space flight, control and data communications".

VETERANS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", \$498,100,000, to remain available until expended, and for an additional amount for "Medical care", \$31,730,000, of which \$21,730,000 is derived by transfer from the Veterans' Administration Loan Guaranty Revolving Fund: *Provided*, That the penultimate proviso in the appropriation language under the head "MEDICAL CARE" in the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1988 (H.R. 2783), as enacted in section 101(f) of Public Law 100-202 is deleted.

101 Stat.
1329-206.

TITLE II—GENERAL PROVISION

No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

This Act may be cited as the "Dire Emergency Supplemental Appropriations Act, 1988".

Approved August 14, 1988.

LEGISLATIVE HISTORY—H.R. 5026:

HOUSE REPORTS: No. 100-797 (Comm. on Appropriations).

SENATE REPORTS: No. 100-448 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 134 (1988):

July 27, considered and passed House.

Aug. 4, 10, considered and passed Senate, amended.

Aug. 11, House disagreed to certain Senate amendments and concurred in another with an amendment. Senate receded and concurred in House amendment.